

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
for Danville
JUL 14 2006
JOHN F. CORCORAN, CLERK
BY: [Signature] DEPUTY CLERK

MARGARET E. AUSBURNE,
Plaintiff

v.

JO ANNE B. BARNHART
Commissioner of Social Security,
Defendant

) CASE NO. 4:04CV00078
)
)
)

REPORT AND RECOMMENDATION

) By: B. Waugh Crigler
) U. S. Magistrate Judge
)

Before the undersigned, under authority of 28 U.S.C. § 636(b)(1)(B), is the plaintiff's petition for an award of counsel fees under 42 U.S.C. § 406(b). The Commissioner has filed a response in which she voices no objection to an award of a contingent fee in the amount of \$10,006.50 as sought in the petition.

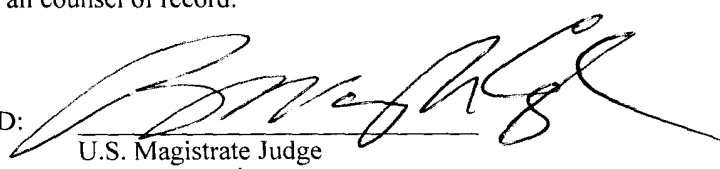
Therefore, it is

RECOMMENDED

that an Order enter GRANTING plaintiff's petition and AWARDING counsel fees in the amount of \$10,006.50 to be paid according to law.

The Clerk is directed to immediately transmit the record in this case to the presiding United States District Judge. Both sides are reminded that pursuant to Rule 72(b) they are entitled to note objections, if any they may have, to this Report and Recommendation within (10) days hereof. Any adjudication of fact or conclusion of law rendered herein by the undersigned not specifically objected to within the period prescribed by law may become conclusive upon the parties. Failure to file specific objections pursuant to 28 U.S.C. § 636(b)(1)(C) as to factual recitations or findings as well as to the conclusions reached by the undersigned may be construed by any reviewing court as a waiver of such objection. The Clerk is directed to send a certified copy of this Report and Recommendation to all counsel of record.

ENTERED:


U.S. Magistrate Judge

6/14/06
Date